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Progress report of the Secretary-General on Ethiopia and Eritrea

Corrigendum

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Annex I

Eritrea-Ethiopia Boundary Commission: fifteenth report on the work of the Commission

1. This is the fifteenth report of the Eritrea-Ethiopia Boundary Commission covering the extended period 20 August to 14 December 2004.

2. As indicated in its fourteenth report, the Commission has, regrettably, and for reasons beyond its control, been unable to make progress with its demarcation activities during the period covered by the present report.

3. However, the Commission received on 7 December a letter from the Legal Counsel to The Federal Democratic Republic of Ethiopia, dated 6 December, in which he stated that, at the instruction of the Government of Ethiopia, he was writing "to convey to the Commission information on the Government's most recent initiative for resolving the dispute between Ethiopia and Eritrea". The letter continued:

> "On November 25, the Prime Minister of Ethiopia, His Excellency Meles Zenawi, gave a major address to the House of Peoples' Representatives (Federal Parliament) regarding the peace process and, after discussion, the House adopted the five-point peace proposal presented by the Prime Minister.
>
> The Government of Ethiopia has asked that I inform the Commission that on the basis of paragraph (4) of the five-point peace proposal its outstanding dues will be paid immediately. In addition, Ethiopia's liaison officers will be appointed promptly from a list of candidates now being considered. Their names and information regarding their background will be transmitted to the Commission as specified in the Commission's order of 7 July 2003."

4. The decision of the House of Peoples' Representatives on the five-point proposal for resolving the dispute between Ethiopia and Eritrea has been submitted to the Secretariat.

5. The Commission has not yet received the payment of the outstanding dues, though it has been informed that this is on the way. Regarding the appointment of the Field Liaison Officers, the Commission received on 10 December a letter dated 9 December, informing it of the appointment by Ethiopia of four Field Liaison Officers. As the relevant Demarcation Directions require the appointment of not more than two Field Liaison Officers by each party, accompanied by up to date CVs, and states that the nomination of a Field Liaison Officer does not become effective until the required information has been forwarded to the Commission and the other Party, the Commission, on 13 December, requested Ethiopia to clarify these matters.

6. The Commission, having transmitted the Ethiopian letter to Eritrea and requested its comments, received on 13 December a letter dated 10 December from the Legal Adviser to the Office of the President of the State of Eritrea, referring to Ethiopia's non-compliance with "important outstanding obligations" relating to the removal of illegal settlements from Eritrean territory and stating that "it is incumbent upon Ethiopia immediately to express unconditional respect for the work of the Boundary Commission, including full acceptance of the 13 April 2002 Award". The text of the Eritrean letter has also been submitted to the Secretariat.

7. As noted in its earlier reports, the Commission, in keeping with its undertaking to continue its work in the manner foreseen in the Algiers Agreement, has maintained its presence in the area but has reduced its activity to the minimum compatible with its being able to resume it as soon as it becomes possible for it to do so. The Commission has maintained its Field Offices in both capitals but with reduced staff. It had, even before the receipt of the latest communication from the Government of Ethiopia, extended until the end of January 2005 the period for which the Field Offices are being kept open. This period will, of course, be extended as the needs of the situation may require.

8. The Commission will promptly consider the situation arising from the two letters mentioned above.

(*Signed*) Sir Elihu Lauterpacht CBE QC
President of the Eritrea-Ethiopia Boundary Commission

14 December 2004